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# ***Public Utilities Commission of the State of California***

## ***Public Agenda 3177***

***Thursday, August 24, 2006 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Michael R. Peevey, President**

**John A. Bohn**

**Geoffrey F. Brown**

**Rachelle B. Chong**

**Dian M. Grueneich**

*For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.*

*Website: <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings**

**505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <b><i>Open to the Public</i></b>
Tuesday, September 05, 2006 (San Francisco)	Thursday, August 24, 2006 (San Francisco)
Monday, September 18, 2006 (San Francisco)	Thursday, September 07, 2006 (San Francisco)
Monday, October 02, 2006 (San Francisco)	Thursday, September 21, 2006 (San Francisco)
Monday, October 16, 2006 (San Francisco)	Thursday, October 05, 2006 (San Francisco)
	Thursday, October 19, 2006 (Fresno)

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

### ***Matters of Public Interest***

***For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.***

For further information contact the Public Advisor  
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## PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
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**Public Comment:**

## Consent Agenda

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

### Consent Agenda - Orders and Resolutions

- 1**  
[5786]      **Res TL- 19077**  
Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=243911](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=243911)
- 2**  
[5788]      **Res ALJ 176-3177**  
Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=242866](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=242866)
- 3**  
[5725]      **Res ALJ-192**  
This resolution affirms Citation FC-024 except as provided herein. Paragraph 1 of the citation is dismissed. Respondent Chris N. Agoh (dba Budget Ride) shall pay a fine of \$2,000.00 pursuant to Public Utilities Code Section 5378 within 30 days of the effective date of this resolution.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
Agenda 3176, Item 5 7/20/2006 (Staff)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245301](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245301)

## Consent Agenda - Orders and Resolutions (continued)

**4** **C05-05-030 - Qwest Communications Corporation and Qwest Enterprise America, Inc. vs. Pacific Bell Telephone Company, dba SBC California.**  
[5751]

This decision concludes that SBC California (SBC) charges two different rates for cageless collocation arrangements based solely on the date such services were ordered. SBC's administrative efficiency explanation for not truing up the first set to the second is no longer reasonable six years on. As there are no disputed facts and the Commission finds the rate structure unreasonable in violation of Pub. Util. Code §451, the decision grants complainants' motion for summary judgment. Other similarly situated competitive local carriers (if any) are offered an opportunity to seek similar relief.

(Comr Bohn - ALJ Bushey)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

Agenda 3176, Item 10 7/20/2006 (Peevey)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=241613](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=241613)

**5** **Res W-4607 - California Water Service Company.**  
[5762]

This resolution affirms the rejection of California Water Service Company's Advice Letter No. 1744, request to amend its service area maps. (Advice Letter 1744, filed September 13, 2005)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

Agenda 3176, Item 14 7/20/2006 (Peevey)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245795](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245795)

**6** **Res E-4001**  
[5825]

This resolution extends to all IOUs policies discussed and adopted on April 13, 2006 in Resolution E-3968 for San Diego Gas & Electric Company with respect to Electric Rule 20 overhead to underground conversions.

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245674](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245674)

**7** **Res T-17035 - AT&T California (AT&T).**  
[5830]

AT&T requests approval of an Interconnection Agreement between AT&T and ConnectTo Communications, Inc., pursuant to Section 252 of the Telecommunications Act of 1996 and in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 28414, filed May 18, 2006)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=238953](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=238953)

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Consent Agenda - Orders and Resolutions (continued)

- 8**  
[5831] **Res T-17036 - AT&T California (AT&T).**  
AT&T requests approval of an Interconnection Agreement between AT&T and Network PTS, Inc., pursuant to Section 252 of the Telecommunications Act of 1996 and in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 28440, filed May 23, 2006)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=238954](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=238954)
- 9**  
[5832] **Res T-17037 - AT&T California (AT&T).**  
AT&T requests approval of an Interconnection Agreement between AT&T and Trans National Communications International, Inc., pursuant to Section 252 of the Telecommunications Act of 1996 and in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 28496, filed June 15, 2006)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=238955](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=238955)
- 10**  
[5833] **Res T-17038 - Global Valley Networks, Inc. (GVNI).**  
GVNI requests approval of a CMRS Interconnection Agreement between GVNI and MetroPCS California/Florida, LLC, pursuant to Section 252 of the Telecommunications Act of 1996 and in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 378, filed June 8, 2006)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=238956](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=238956)
- 11**  
[5835] **R01-09-001 - Order Instituting Rulemaking on the Commission's own motion to assess and revise the new regulatory framework for Pacific Bell and Verizon California Incorporated.**  
I01-09-002 - Related matters. This decision awards The Utility Reform Network (TURN) \$519,012.49 in compensation for its contributions to D02-10-020, D03-10-088, D04-02-063, D04-07-036 and D04-09-061. This amount is \$80,924.20 less than TURN requests. The decision makes this reduction because TURN did not prevail on all issues, and because the decision adopts lower hourly rates for three of TURN's experts. R01-09-001 and I01-09-002 are closed.  
(Comr Peevey - ALJ Thomas)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=242858](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=242858)

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Consent Agenda - Orders and Resolutions (continued)

- 12**  
[5837]      **A05-06-044 - San Diego Gas & Electric Company (SDG&E).**  
This decision requires SDG&E to allocate a share of Federal Energy Regulatory Commission (FERC) settlement refunds to certain currently active direct access customers who received bundled service between October 2000 and June 2001. Thus, these customers will share in the recovery by SDG&E of \$38 million in FERC settlement claims against electricity and natural gas suppliers for excessive charges during California's energy crisis. Decision 05-09-019 in SDG&E's last Energy Resource Recovery Account proceeding is modified accordingly. This proceeding is closed.  
(Comr Bohn - ALJ Patrick)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245933](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245933)
- 13**  
[5839]      **I00-11-001 - Order Instituting Investigation into implementation of Assembly Bill 970 regarding the identification of electric transmission and distribution constraints, actions to resolve those constraints, and related matters affecting the reliability of electric supply.**  
This decision closes this proceeding after directing Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company, beginning on the first business day of October 2006, to submit on a quarterly basis to the Director of the Commission's Energy Division, specified information on the status of transmission projects and generation interconnection projects which prior rulings and decisions require the utilities to file on a monthly basis. This proceeding is closed.  
(Comr Peevey - ALJ TerKeurst)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=239602](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=239602)
- 14**  
[5840]      **A05-06-004 - Pacific Gas and Electric Company.**  
For approval of the 2006-2008 Energy Efficiency Programs and Budget. A05-06-011, A05-06-015, A05-06-016 - Related matters. This decision finds that Women's Energy Matters did not make a substantial contribution to D05-09-043 or D05-11-011 in this consolidated proceeding and denies its request for \$22,963.54 in intervenor compensation.  
(Comr Peevey - ALJ Gottstein)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=244846](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=244846)

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Consent Agenda - Orders and Resolutions (continued)**15                   A06-02-039 - Myatel Corporation (Applicant).**

[5841]           This decision dismisses Applicant's request for a certificate of public convenience and necessity authorizing the provision of limited facilities-based and resold telecommunications services in this state, based on Applicant's failure to complete the application as directed by the assigned Administrative Law Judge. This proceeding is closed.

(Comr Chong - ALJ Prestidge)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245699](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245699)

**16                   Res T-17034 - Volcano Telephone Company (Volcano).**

[5844]           This resolution approves the request of Volcano in Advice Letter No. 329 to grandfather Schedule Cal P.U.C./No. A-15, Foreign Exchange Network Access, and Cal. P.U.C. No. A-39, Integrated Service Digital Network. (Advice Letter 329, filed May 15, 2006)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=240281](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=240281)

**17                   A05-08-006 - California Water Service Company (CalWater).**

[5845]           A05-08-007, A05-08-008, A05-08-009, A05-08-010, A05-08-011, A05-08-012, A05-08-013 - Related matters. This decision approves general rate increases for eight CalWater districts for fiscal test year 2006/2007 and the two escalation years following. In addition, CalWater may file later advice letters to offset certain plant additions and other costs. The decision also approves an all-party settlement to establish a new Rate Support Fund by imposing a small quantity surcharge (less than one cent per hundred cubic feet) on customers in all 24 CalWater districts. The Rate Support Fund will both moderate rates in CalWater's three highest-cost districts and provide additional assistance to low-income ratepayers in those districts. Rather than adopt a separate, uncompleted stipulation agreement that proposed to establish increasing block rate structures and accompanying revenue and variable expense balancing accounts for all eight districts, the decision orders CalWater to file a new application within 60 days to propose an increasing block rate structure and an accompanying measure to decouple sales from revenues. This proceeding is closed.

(Comr Bohn - ALJ McVicar)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245785](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245785)

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Consent Agenda - Orders and Resolutions (continued)

- 18**  
[5847]      **Res SX-73**  
This resolution adopts General Order 75-D (Regulations governing standards for warning devices for at-grade highway-rail crossings in the State of California) to supersede and replace General Order 75-C.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245357](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245357)
- 19**  
[5848]      **A99-12-025 - Valencia Water Company.**  
This decision authorizes Valencia Water Company to serve the West Creek real estate development project following recertification of the Environmental Impact Report for the project by the County of Los Angeles, the lead agency in this matter. This proceeding is closed.  
(Comr Brown - ALJ Patrick)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=241604](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=241604)
- 20**  
[5849]      **R04-04-003 - Order Instituting Rulemaking to promote policy and program coordination and integration in electric utility resource planning.**  
This decision awards the Green Power Institute \$18,735, and the Natural Resources Defense Council \$20,477.50 for their respective substantial contributions to D06-02-032.  
(Comr Peevey - ALJ Gottstein)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=239987](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=239987)
- 21**  
[5853]      **A06-03-025 - Acceris Management and Acquisition LLC. (Applicant).**  
This decision denies Applicant's request for a certificate of public convenience and necessity (CPCN) authorizing the provision of resold local exchange services, based on decisions of the Federal Communications Commission which found Applicant violated regulations designed to protect consumers against unlawful slamming on 11 occasions between 2003 and 2005. However, if Applicant operates its company for at least one year without being the subject of regulatory action, including but not limited to investigations, complaints, or license revocations or suspensions, Applicant may reapply for a CPCN no sooner than 12 months after the effective date of this decision. This decision takes no action regarding Applicant's current CPCN authorizing the provision of resold interexchange services in this state, but warns Applicant that continued violations may result in the revocation of Applicant's existing CPCN or other sanctions. This proceeding is closed.  
(Comr Chong - ALJ Prestidge)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=239760](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=239760)

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Consent Agenda - Orders and Resolutions (continued)

- 22**  
[5854] **Res T-17047**  
This resolution adopts an expense budget for fiscal year 2007-08 of \$69.030 million for the Deaf and Disabled Telecommunications Equipment and Service Program.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245295](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245295)
- 23**  
[5855] **A05-08-006 - California Water Service Company (CalWater).**  
A05-08-007, A05-08-008, A05-08-009, A05-08-010, A05-08-011, A05-08-012, A05-08-013 - Related matters. This decision designates present rates as interim rates for eight CalWater districts with pending 2006/2007 test year general rate cases, effective on July 20, 2006, pursuant to Public Utilities Code Section 455.2. When the Commission adopts final rates in CalWater's pending general rate proceeding, the interim rates for these eight districts will be adjusted upward or downward back to their effective date and any under- or overcollection recovered or refunded accordingly.  
(Comr Bohn - ALJ McVicar)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245644](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245644)
- 24**  
[5856] **A06-01-004 - Park Water Company (Park).**  
The Commission approves, with modifications, a comprehensive settlement agreement entered into by Park and the Commission's Division of Ratepayer Advocates that resolves all issues in Phase 1 of Park's general rate case application. Pursuant to the settlement, this decision authorizes a rate increase for Park's Central Basin Division for 2007 of \$1,322,850, a 6.46% increase over present rates. The return on equity is set at 10.20% for ratemaking purposes and the authorized rate of return on rate base is 9.12%.  
(Comr Bohn - ALJ Yacknin)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245372](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245372)
- 25**  
[5857] **Res L-333**  
This resolution authorizes disclosure of Commission Consumer Services Division (Utilities Safety Branch) records pursuant to a records request by Scott D. Zonder, seeking disclosure of Commission staff investigation records relating to a gas incident that occurred on August 13, 2002, in Torrance, California, while a home was being fumigated.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245649](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245649)

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Consent Agenda - Orders and Resolutions (continued)**26**

[5858]

**Res L-334**

This resolution authorizes disclosure of Commission Consumer Services Division (Utilities Safety Branch) records pursuant to a records request by Edward R. Ramirez, Jr. seeking disclosure of records concerning the Commission's investigation of an electric incident on January 13, 2006 in Reedley, which occurred when Mr. Thomas Lopez, a construction worker, contacted a Pacific Gas and Electric Company owned 12-kv conductor while operating an overhead boom.

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245666](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245666)

**27**

[5859]

**A05-08-031 - Lodi Gas Storage, L.L.C., Western Hub Properties L.L.C. and WHP Acquisition Company II, L.L.C.**

This decision closes this proceeding, which had remained open only for the purpose of receiving a redacted, public version of the purchase-and-sale agreement entered into by the applicants. Applicants filed the redacted, public version of the purchase-and-sale agreement required by Ordering Paragraph 7 of Decision 05-12-007 on December 5, 2005, so this proceeding can now be closed.

(Comr Bohn - ALJ McKenzie)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=240968](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=240968)

**28**

[5861]

**Res T-17051 - Verizon California (Verizon).**

This resolution grandfathers Switch Access Volume Election Plans and authorizes Verizon to withdraw the offering when there are no remaining customers. There is only one customer on this service.

Verizon states that the revenue generated does not justify incorporating the billing capability for this service in the new billing system. (Advice Letter (AL) 11579, filed June 30, 2006 and AL 11579A, filed July 14, 2006)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=242115](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=242115)

**29**

[5863]

**A05-08-034 - Suburban Water Systems (Suburban).**

This decision adopts a settlement agreement between Suburban and the Commission's Division of Ratepayer Advocates. The settlement was opposed by William Robinson. The contested issues, rate consolidation of the San Jose Hills, West Covina, and Walnut service areas, and conservation rate design are resolved by granting rate consolidation and deferring a conservation rate design. Suburban shall file an application for a low-income program, and for block rate pricing within 90 days. This proceeding is closed.

(Comr Bohn - ALJ Grau)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245847](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245847)

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Consent Agenda - Orders and Resolutions (continued)

- 30**  
[5864] **Res L-335**  
This resolution would authorize the disclosure of Commission Consumer Protection and Safety Division's records pursuant to records requests from Warren Paboojian, Attorney At Law, seeking disclosure of records concerning the Commission's investigation of an electrocution on June 30, 2005, in Clovis, California, that occurred when a truck the decedent was in contact with made contact with PG&E's overhead electrical lines.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245754](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245754)
- 31**  
[5869] **Res T-17061**  
This resolution revokes, at the request of the companies, certificate of public convenience and necessity of the following carriers: One Call Communications, Inc., Utility ID# (#)5226; Real Telephone Company, #5844; Marathon Communications Corporation, #6171; Future Telecom, Inc., #6419; Groveline, LLC, #6718; Call Center Management, Inc., #6891; Centracom, Inc., #6920; Power Telecomm, Inc., #6931; Strategic Telecom, Inc., #6957.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=242322](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=242322)
- 32**  
[5870] **A05-10-017 - City of Beaumont.**  
This decision authorizes the City of Beaumont to construct the Potrero Boulevard Overhead grade-separated highway-rail crossing over Union Pacific Railroad Company's two-track Yuma Subdivision Main Line and over San Timoteo Canyon Road in Beaumont, Riverside County. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=240131](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=240131)
- 33**  
[5871] **R04-08-020 - Order Instituting Rulemaking to update the Commission's policies and procedures related to electromagnetic fields emanating from regulated utility facilities.**  
This decision awards 280 Corridor Concerned Citizens (280 Citizens), Leeka Kheifets (Kheifets), and Citizens Concerned About EMFs (CCAIE) intervenor compensation for their contributions to Decision 06-01-042, in the following amounts: \$54,095.68 (280 Citizens), \$14,540.00 (Kheifets), and \$37,067.28 (CCAIE). This proceeding is closed.  
(Comr Peevey - ALJ DeBerry)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=236415](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=236415)

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Consent Agenda - Orders and Resolutions (continued)

- 34**  
[5873] **A06-04-007 - County of Los Angeles Department of Public Works.**  
This decision authorizes the County of Los Angeles to construct the East 74th Street grade-separated highway-rail crossing bridge over Alameda Corridor Transportation Authority's trench segment in the unincorporated county area of Florence-Firestone. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=242853](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=242853)
- 35**  
[5875] **Res ALJ-193**  
This resolution approves change of determination of no hearing needed to hearing needed in A06-04-012, Pacific Gas and Electric Company's application for approval of long-term request for offer results.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=243161](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=243161)
- 36**  
[5876] **Res W-4613 - Watertek, Inc., Metropolitan District.**  
This resolution authorizes Watertek, Inc., Metropolitan District a general rate increase producing an additional annual revenue of \$7,970 or 103% in test year 2006.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245756](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245756)
- 37**  
[5881] **R04-03-017 - Order Instituting Rulemaking regarding policies, procedures and incentives for distributed generation and distributed energy resources.**  
This decision awards Vote Solar Initiative compensation for its substantial contributions to D04-12-045, D05-12-044, and D06-01-024. Today's award of \$22,809.00 will be paid from the Commission's intervenor compensation program fund. This proceeding is closed.  
(Comr Peevey - ALJ Malcolm)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=243361](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=243361)
- 38**  
[5883] **A06-05-002 - Ghent Aberra dba All Area Transportation (Applicant).**  
This decision authorizes Applicant to operate as a passenger stage corporation between points in the Counties of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Solano, on the one hand, and San Francisco, Oakland, and San Jose International Airports, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=243709](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=243709)

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Consent Agenda - Orders and Resolutions (continued)**39                    A06-06-027 - Global Internetworking, Inc. (Global) and Mercator Partners Acquisition Corp. (Mercator).**

[5884]

This decision grants the application of Global and Mercator for transfer of the ownership and control of Global to Mercator. This proceeding is closed.

(Comr Chong - ALJ Prestidge)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=242405](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=242405)

**40                    R04-09-003 - Order Instituting Rulemaking on the Commission's own motion for the purpose of considering policies and guidelines regarding the allocation of gains from sales of energy, telecommunications, and water utility assets.**

[5902]

This decision awards Aglet Consumer Alliance \$16,819.56 in compensation for its substantial contributions to Decision 06-05-041. This proceeding remains open to consider three issues deferred in D06-05-041.

(Comr Brown - ALJ Thomas)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=242250](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=242250)

**41                    Res E-3391 - Pacific Gas and Electric Company (PG&E).**

[5907]

This resolution approves PG&E's request for transfer of the Advanced Metering Infrastructure Memorandum Accounts and disposition and recovery of the balances in the Advanced Metering and Demand Response Account (AMDRA) and the Gas Advanced Metering Account (GAMA). This resolution also approves PG&E's request for disposition of the balances through the Distribution Revenue Adjustment Mechanism and the Core Fixed Cost Account consistent with the AMDRA and GAMA preliminary statements. (Advice Letter 2674-G/2733-E, filed November 2, 2005)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=244104](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=244104)

**42                    Res T-17039 - Verizon California, Inc. (Verizon).**

[5910]

Verizon requests approval of an Interconnection Agreement between Verizon and YMAX Communications Corporation, pursuant to Section 252 of the Telecommunications Act of 1996 and in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 11578, filed June 29, 2006)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=244149](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=244149)

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Consent Agenda - Orders and Resolutions (continued)**43                    Res T-17040 - AT&T California (AT&T).**

[5911]            AT&T requests approval of one resale agreement between AT&T and Legacy Long Distance International, Inc., pursuant to Section 252 of the Telecommunications Act of 1996 and in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 28560, filed July 3, 2006)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=244151](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=244151)

**44                    A05-06-018 - Sierra Pacific Power Company (Sierra).**

[5912]            This decision adopts an All-Party Settlement for Sierra's general rates. The Settlement Agreement increases rates by \$4,098,000, or 6.94% above present rates, and proposes a revenue allocation and rate design. The revenue increase represents about 50% of the amount requested by Sierra. This proceeding is closed.

(Comr Bohn - ALJ McKenzie)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245990](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245990)

## Regular Agenda

### Regular Agenda - Energy Orders

**45**                    **R05-02-023 - Order Instituting Rulemaking to revise Commission General Order Number 95 pursuant to D05-10-030.**  
[5623]

The Commission on February 24, 2005 issued this Order Instituting Rulemaking 05-02-023 to consider uniform rules for attaching wireless antennas to jointly used utility poles and towers. Following seven days of workshops in San Francisco and Los Angeles, the parties jointly presented a workshop report containing three alternative proposals for a new Rule 94 to General Order 95. The parties reached agreement on most of new Rule 94 but differed on provisions dealing with identification signs, the vertical clearance between supply conductors and wireless antennas with radio frequency (RF) emissions, and exceptions to the rules for certain low-emission antennas. This decision today adopts in its entirety the Rule 94 sponsored by the Commission's Consumer Protection and Services Division, the International Brotherhood of Electrical Workers Local 1245, the Communication Workers of America – Ninth District, Pacific Gas and Electric Company, and San Diego Gas & Electric Company. The decision rejects the assertions of some parties that elements of the new Rule 94 are preempted by Federal Communications Commission (FCC) rules regulating RF exposure, concluding instead that mere acknowledgement of the FCC's RF rules does not preempt a state agency which enacts construction rules intended to provide a safe working environment for those climbing and working on transmission poles. This proceeding is closed.

(Comr Brown - ALJ Walker)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

Agenda 3173, Item 37 5/25/2006 (Chong);

Agenda 3174, Item 40 6/15/2006 (Bohn);

Agenda 3175, Item 27 6/29/2006 (Bohn);

Agenda 3176, Item 40 7/20/2006 (Peevey)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=241534](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=241534)

**46**                    **I05-06-041 - Order Instituting Investigation on the Commission's own motion into methodology for economic assessment of transmission projects.**  
[5776]

This decision adopts general principles and minimum requirements and provides other guidance for economic evaluations of proposed transmission projects that may be submitted in Commission certificate of public convenience and necessity proceedings. This proceeding is closed.

(Comr Grueneich - ALJ TerKeurst)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3176, Item 45 7/20/2006 (Grueneich)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=242231](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=242231)

## Regular Agenda - Energy Orders (continued)

**47** **R04-01-006 - Order Instituting Rulemaking on the Commission's proposed policies and**  
[5822] **programs governing post-2003 Low-Income Assistance Programs.**

A06-04-014 - Related matters. This decision approves an augmentation to low income energy efficiency (LIEE) program funding for 2006 and 2007 for the Pacific Gas and Electric Company (PG&E). Specifically, the decision authorizes PG&E to augment its 2006-2007 LIEE budget by \$31.8 million, all of which is to be spent on the installation of LIEE measures. The decision disallows any additional funding for administrative and regulatory compliance costs because PG&E already has adequate funds for this type of work. This decision also finds the LIEE budgets of Southern California Edison Company, Southern California Gas Company and San Diego Gas & Electric Company do not require augmentation at this time and authorizes minor modifications to these utilities programs as requested. These proceedings are closed.

(Comr Grueneich - ALJ Malcolm)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=244956](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=244956)

**48** **A06-03-029 - Southern California Edison Company (SCE).**

[5836] A06-03-030 - Related matters. This decision grants SCE and Pacific Gas and Electric Company (PG&E) a waiver from filing a test year 2007 cost of capital (COC) application. SCE and PG&E shall file a test year 2008 COC application by May 8, 2007. This decision also grants SCE and PG&E's request to schedule a COC financial modeling workshop. A06-03-029 and A06-03-030 are closed.

(Comr Bohn - ALJ Galvin)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245888](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245888)

## Regular Agenda - Energy Orders (continued)

**49** **R04-01-025 - Order Instituting Rulemaking to establish policies and rules to ensure reliable,**  
[5838] **long-term supplies of natural gas to California.**

R02-06-041, A00-06-023, A02-10-040 - Related matters. This decision addresses the emergency petitions of Pacific Gas and Electric Company (PG&E), Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E) to modify D05-10-043, D05-10-015, D04-01-047, D02-06-023 and D03-07-037. All three utilities seek to modify their existing natural gas purchase incentive mechanisms in ways that would exempt purchases of hedging instruments from the rewards and penalties associated with the incentive mechanisms. The purpose of the proposed modification would be to relieve the utilities of the risks associated with the purchase of hedging instruments for natural gas prices. The utilities intend to purchase hedging instruments to protect ratepayers from fuel price spikes this coming winter. The petitions also request approval of specific natural gas hedging plans and ask that all of the costs and benefits of the expanded hedging plans, and the gas hedging that has already taken place for the 2006-2007 winter season, be allocated directly to core gas customers. Rulemaking 02-06-041 and Applications 00-06-023 and 02-10-040 are closed.

(Comr Peevey - ALJ Malcolm)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245704](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245704)

**49a** **ALTERNATE TO ITEM 5838**

[5842] R02-06-041, A00-06-023, A02-10-040 - Related matters. This alternate order approves the petitions in the manner requested by authorizing all gas hedging activities for natural gas procurement to be accounted for outside of the utilities' existing incentive mechanisms, including hedging already entered into for the 2006-2007 winter season as of the date of this order.

(Comr Peevey)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245213](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245213)

## Regular Agenda - Energy Orders (continued)

50

[5846]

**R06-03-004 - Order Instituting Rulemaking regarding policies, procedures and rules for the California Solar Initiative, the Self-Generation Incentive Program and other distributed generation issues.**

This decision adopts performance-based incentives (PBI) or payments to qualifying solar photo-voltaic (PV) technologies through the Commission's California Solar Initiative (CSI.) In addition, the decision adopts an administrative structure and other program design features for successful implementation of the CSI. Beginning on January 1, 2007, the Commission will pay PBIs for solar projects 100 kilowatts (kW) and larger, with payments based on kilowatt hours of solar power produced over a five-year period. Solar projects below 100 kW will receive incentives through an up-front payment based on an estimate of future solar production. Incentives on January 1, 2007 will be \$2.50 per watt for residential and commercial customers, and \$3.25 per watt for government and other tax-exempt customers. To ensure program continuity, the administrators of the Commission's existing Self-Generation Incentive Program shall administer all aspects of the CSI program in 2007. The decision also sets minimum metering requirements, including a performance reporting capability.

(Comr Peevey - ALJ Duda)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245796](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245796)

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**Regular Agenda - Energy Resolutions and Written Reports**

- 51**  
[5865]      **Res E-4009 - Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E).**  
This resolution authorizes PG&E, SCE, and SDG&E to add a new triggering mechanism for the Demand Reserves Partnership Program. No Advice Letters submitted. This resolution is initiated by Energy Division.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=246023](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=246023)
- 52**  
[5908]      **Res E-4011 - San Diego Gas & Electric Company (SDG&E).**  
This resolution authorizes SDG&E to modify Schedule 20/20-TOU, also known as the Commercial & Industrial Peak Day 20/20 Program as requested. (Advice Letter 1811-E, filed July 27, 2006)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245973](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245973)
- 53**  
[5909]      **Res E-4012 - Pacific Gas and Electric Company (PG&E).**  
PG&E proposes a modification to its Demand Bidding Program for the purpose of increasing demand response for the summer of 2006. (Advice Letter 2870-E, filed July 28, 2006)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245959](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245959)
- 54**  
[5915]      **Res E-4018 - Pacific Gas and Electric Company (PG&E).**  
PG&E proposes to re-open its schedule E-NF-NonFirm Service Programs to increase demand response for Summer of 2006. (Advice Letter 2880-E, filed August 8, 2006)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245695](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245695)

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**Regular Agenda - Telecommunication Orders****55**

[5773]

**R00-02-003 - Order Instituting Rulemaking on the Commission's own motion into the programs, practices and policies related to implementation of the California Environmental Quality Act as it applies to jurisdictional telecommunications utilities.**

This decision implements changes to the Commission's application of the California Environmental Quality Act (CEQA) to telecommunications utilities. The changes are designed to more closely align the Commission's practices with the current requirements and policies of CEQA, and to ensure that the application of CEQA in the area of telecommunications does not create competitive disparities.

(Comr Brown - ALJ Allen)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

Agenda 3176, Item 51 7/20/2006 (Bohn)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=241892](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=241892)

**56**

[5778]

**R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.**

I95-04-044 - Related matters. This decision disposes the Petitions for Modification of Decision 05-07-043 (Petitions), filed respectively by Verizon California Inc. (Verizon) on January 5, 2006, and by AT&T California dba SBC California (SBC) on February 3, 2006. Verizon and SBC seek to terminate the requirement for arbitration of batch hot cut process and pricing disputes. A prehearing conference shall be conducted in the consolidated arbitration proceedings for Verizon and SBC in order to address ultimate disposition of parties' remaining disputes relating to batch hot cut processes and pricing.

(Comr Peevey - ALJ Pulsifer)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3176, Item 52 7/20/2006 (Peevey)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=244374](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=244374)

**57**

[5808]

**A05-05-027 - Pacific Bell Telephone Company.**

For arbitration of an interconnection agreement with MCImetro Access Transmission Services LLC. This decision affirms the results reached in the April 19, 2006 Final Arbitrator's Report with two clarifications. The conformed interconnection agreement shall be amended to implement these clarifications, be signed by each party, be jointly filed within 5 days of the date this decision is mailed, and become effective upon filing. This proceeding is closed.

(Comr Bohn - ALJ Mattson)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

Agenda 3176, Item 53 7/20/2006 (Brown)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245940](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245940)

## Regular Agenda - Telecommunication Orders (continued)

**58**

[5850]

**R05-04-005 - Order Instituting Rulemaking on the Commission's own motion to assess and revise the regulation of telecommunications utilities.**

This decision grants AT&T, Verizon, Frontier, SureWest, the major incumbent telephone carriers serving California, increased freedom to price retail telecommunications services. Pricing freedoms for almost all retail telecommunications services are permitted. The decision finds that these pricing freedoms are consistent with both state and federal statutes that encourage reliance on an open and competitive telecommunications market to provide a wide variety of benefits to the public. These freedoms also are reasonable in light of changing market conditions, which have been motivated by federal regulatory policies and new competition from wireless and VoIP technologies. The decision, however, places some limitation on pricing freedoms for basic residential service. The decision adopts a 2-year price freeze in light of the policy complexities associated with the California Universal Lifeline Telephone Program, and it maintains the geographic averaging requirement for basic residential services subsidized by the California High Cost Fund-B. The decision also adopts streamlined tariffing procedures and makes contracts effective upon execution. Finally, the decision reduces the reporting burden imposed by legacy regulations and defers some reporting issues to Phase II of this proceeding. (Comr Chong - ALJ Reed)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=246059](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=246059)

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**Regular Agenda - Telecommunication Resolutions and Reports****59                    Res UEB-001**

[5860]

This resolution adopts a citation program for enforcing compliance with third party verification requirements in Public Utilities Code Section 2889.5.

(Exam Clark)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245771](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245771)

**60**

[5866]

**Res T-17057 - Citizens Telecommunications Company of California (Citizens).**

This resolution finalizes the material issues and orders Citizens to implement an incremental permanent surcredit of 1.44% for one year to apply on all intrastate billings, except residential basic service and other services, commencing October 1, 2006. (Advice Letter 722, filed October 24, 2001)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245886](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245886)

**61**

[5867]

**Res T-17058 - Verizon California Inc. (Verizon).**

This resolution finalizes the material issues and orders Verizon to implement an incremental permanent surcredit of 0.71% for one year to apply on all intrastate billings, except residential basic service and other services, commencing October 1, 2006. (Advice Letter 9908, filed October 29, 2001)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245760](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245760)

**Regular Agenda - Water/Sewer Resolutions and Reports****62**

[5843]

**Res W-4612 - Rural Water Company, Inc., Cypress Ridge Sewer System.**

This resolution authorizes Rural Water Company, Inc., Cypress Ridge Sewer System a thirty-six month rate surcharge for recovery of the unanticipated expense memorandum account, for a total amount of \$69,675, and a general rate increase producing additional annual revenue of \$34,450 or 18.1% in 2006. (Advice Letter (AL) 4, filed August 3, 2005 and AL 5, filed August 24, 2005)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=244967](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=244967)

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**Regular Agenda - Other Utility Orders****63**

[5851]

**R06-04-011 - Order Instituting Rulemaking for the purpose of amending General Order 156.**

This decision amends General Order (GO) 156 regarding the process for verifying and determining the eligibility of women, minority, and disabled veteran business enterprises for utility procurement contract opportunities. Under the existing GO, these functions have been administered by the Commission, pursuant to Commission-approved criteria, under a contract with an outside clearinghouse. The decision amends the GO to allow CPUC to authorize a utility-formed entity or arrangement to operate the clearinghouse. The utilities now covered by GO 156 are requested to submit a specific proposal for creating such an entity or arrangement, which, if acceptable to the Commission, will be authorized by subsequent resolution. If no utility-formed entity or arrangement is created or authorized, the amended GO allows Commission staff to administer the clearinghouse internally. This proceeding is closed.

(Comr Peevey - ALJ Thorson)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245762](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245762)

**64**

[5882]

**R \_\_\_\_\_ - Order Instituting Rulemaking to set hourly rates for purposes of calculating intervenor compensation awards pursuant to Public Utilities Code Section 1801 and following, for work performed in calendar year 2006.**

Rulemaking to update hourly rates for intervenors' representatives. The new rates will apply to work performed in 2006. Rulemaking may modify, where appropriate, the guidelines and principles adopted in Decision 05-11-031 for setting hourly rates.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=234741](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=234741)

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**Regular Agenda - Legal Division Matters****65                    Res EGPB-1**

[5852]

This resolution approves the Final Report on the Audit of the AES Huntington Beach Power Plant, performed by the Electric Generation Performance Branch of the Consumer Protection and Safety Division (CPSD-EGPB), and authorizes public disclosure of the Final Audit Report. The Final Audit Report (Appendix A to EGPB-1) is not attached to the public version of the Draft Resolution. The Final Audit Report orders AES Huntington Beach to complete certain corrective actions, provide quarterly progress reports, and notify CPSD of the completion of certain items listed in the audit report. No formal enforcement action is recommended.

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=245852](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=245852)

**66                    DA 06-49, WC Docket 06-10**

[5868]

The FCC has established a pleading cycle for comments to be filed regarding AT&T, Bell South and Qwest's Petitions for Forbearance under 47 U.S.C. Section 160© from Title II and Computer Inquiry rules with respect to broadband services.

**67                    FERC Docket No. RM06-12-000**

[5877]

Regulations for Filing Applications for Permits to Site Interstate Electric Transmission Corridors, FERC Docket No. RM06-12-000. On June 16, 2006, FERC released a Notice of Proposed Rulemaking (NOPR) proposing regulations in accordance with section 1221 of the Energy Policy Act of 2005 to implement filings requirements and procedures for entities seeking to construct electric transmission facilities in designated National Interest Electric Transmission Corridors. Comments on this NOPR are due on August 28, 2006. Staff seeks the Commission's authorization to file comments in response to this NOPR.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=243591](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=243591)

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**Regular Agenda - Legislative Matters - Discussion**

**68**

[5695]

**AB 32 (Nunez/Pavley)**

California Global Warming Solutions Act of 2006: greenhouse gases.

Agenda 3174, Item 53 6/15/2006 (Staff);

Agenda 3175, Item 38 6/29/2006 (Staff);

Agenda 3176, Item 62 7/20/2006 (Staff)

**69**

[5827]

**AB 2987 (Nunez)**

Cable and video service.

Agenda 3176, Item 65 7/20/2006 (Staff)

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## **Regular Agenda - Commissioner's Reports**

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**Regular Agenda - Management Reports and Resolutions**

## Closed Session

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).*

### Closed Session - Applications for Rehearing

- 70**                      **Conference with Legal Counsel - Applications for Rehearing**  
 [5794]                      Compilation of applications for rehearing recently filed with the Commission.  
                                  *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*
- 71**                      **R04-01-025 - Conference with Legal Counsel -- Application for Rehearing**  
 [5872]                      Disposition of Application for Rehearing of D06-05-017 filed by Ratepayers for Affordable Clean Energy. In D06-05-017, the Commission determined that the California Environmental Quality Act does not apply to Phase I of R04-01-025, and that therefore no environmental review was necessary during Phase I of the proceeding.  
                                  *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*
- 72**                      **C05-10-002 - Conference with Legal Counsel – Application for Rehearing**  
 [5874]                      Disposition of Application for Rehearing of D06-03-003 filed by Douglas and Sherri Massongill (Applicants.) D06-03-003 denied the complaint against Hillview Water Company, Inc. filed by Applicants. In D06-03-003, the Commission concludes that the fact that Applicants 1.64 acres of undeveloped land that they own near Oakhurst, California briefly had water service in 1998 (until cancelled by the prior owners) does not qualify the property for an exemption from the moratorium.  
                                  *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*
- 73**                      **A04-04-008 - Conference with Legal Counsel - Application for Rehearing**  
 [5880]                      A04-06-018 - Related matters. Disposition of the Joint Application for Rehearing of D06-05-042 filed by Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE). In D06-05-042 the Commission granted limited rehearing of D05-09-018 regarding the floor price to be used for purposes of calculating the economic development rate (EDR) discount for PG&E and SCE's EDR customers.  
                                  *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

**Closed Session - Initiation of Litigation - Non-Federal**

Consideration of possible Commission initiation of, or intervention in, litigation.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

**74**

[5906]

**Conference with Legal Counsel - Initiation of Litigation**

Deliberation on institution of proceeding or disciplinary actions against person or entity under the Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced and disclosure could also jeopardize the ability to effect personal service on the Respondent.)

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

*Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.*

**Closed Session - Threatened Litigation - Non-Federal**

Significant exposure to litigation

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session*

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**Closed Session - Existing Litigation - Non-Federal**

**75**

[5791]

**San Diego Superior Court No. GIC 857224 - Conference with Legal Counsel - Existing Litigation**

People of the State of California, et al. v. Sempra Energy, et al., San Diego Superior Court No. GIC 857224

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**Closed Session - Threatened Litigation - Federal**

Significant exposure to litigation in federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session*

### **Closed Session - Initiation of Litigation - Federal**

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

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**Closed Session - Federal**

**77**

**FERC Docket No. ER06-615 - Conference with Legal Counsel - Existing Litigation**

[5797]

California Independent System Operator Corporation, FERC Docket No. ER06-615, also known as Market Redesign and Technology Update (MRTU).

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**Closed Session - FERC Docket No. EL00-95-000, et al.**

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., FERC Docket No. EL00-95, Investigation of Practices of the California Independent System Operator and the California Power Exchange, FERC Docket EL00-98, and related dockets, CPUC v. FERC, Ninth Circuit Nos. 01-71051, et al., and 01-71934, et al., and related dockets.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

### **Closed Session - Personnel Matters**

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

*Gov. Code § 11126(a), allows this item to be considered in Closed Session*